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FIRST PAN-AMERICAN SCIENTIFIC CONGRESS.¹

Conclusions of the Section on International Law, January 4th, 1909.

AMERICAN PROBLEMS IN INTERNATIONAL LAW.

1.

The First Pan-American Scientific Congress recognizes that the diversity in the development of the New World as compared with the Old has had the following effect upon international relations, namely: That on this Continent there are problems *sui generis* or of a distinctively American character and that the States of this hemisphere, by means of agreements more or less general, have regulated matters which are of sole concern to them, or which, if of universal interest, have not yet been susceptible of universal agreement — thus incorporating in International Law principles of American origin.

This class of questions constitute what may be termed "American problems or conditions in International Law."

The Scientific Congress recommends to all the States of the American Continent that the faculties of jurisprudence and social sciences give attention to the study of these matters.

2.

The progress of International Law depends, in the main, on the agreement by a group of nations on principles which signify an actual advance in International Law.

It is of positive interest, American as well as world-wide, that the American countries agree on principles which represent an actual advance in their international relations, and which may later on be accepted by Conferences of a world-wide character and especially by the Hague Conference.

3.

The Pan-American Scientific Congress recognizes the importance of mutual help in the administrative action of the governments and institutions of the American Continent.

¹ For account of this Congress see the JOURNAL for April, 1909, p. 429. The Congress was divided into sections as follows: (1) pure and applied mathematics; (2) physical sciences; (3) natural, anthropological and ethnological sciences; (4) engineering; (5) medical science and hygiene; (6) juridical science; (7) social sciences; (8) sciences of pedagogy and of philosophy; (9) agronomy and zootechnics.

In order that these relations may be developed, we recommend vigorous cooperation in the work which is being done by the International Union of American Republics, the office of which is established in Washington, as well as in the work of the Pan-American Commissions recently created in several countries of this continent.

TREATIES AND DOCUMENTS CONCERNING OPIUM ¹

AMERICA²—CHINA.³ *Treaty of peace, amity and commerce.* Concluded July 3, 1844; ratification advised by the Senate January 16, 1845; ratified by the President January 17, 1845; ratifications exchanged December 31, 1845; proclaimed April 18, 1846.

ARTICLE 33.

Citizens of the United States, who shall attempt to trade clandestinely with such of the ports of China as are not open to foreign commerce, or who shall trade in opium or any other contraband article of merchandise, shall be subject to be dealt with by the Chinese Government, without being entitled to any countenance or protection from that of the United States; and the United States will take measures to prevent their flag from being abused by the subjects of other nations, as a cover for the violation of the laws of the Empire.⁴

———. *Treaty between the United States of America and the Chinese Empire.* Signed in the English and Chinese languages, at Tientsin, 18th June, 1858; ratifications exchanged at Peking, August 16, 1859.

[It is beyond doubt that the United States consented in this treaty to legalize the opium trade in China by practically adopting the trade regulations and tariff of the British treaty of the same date; for, in our *Treaty establishing trade relations and tariff with China*, concluded November 18, 1858, ratifications exchanged August 15, 1859, opium is in the tariff list as paying thirty taels per one hundred catties. Under

¹ See article by Dr. Hamilton Wright, this JOURNAL, p. 648, who also furnished this supplementary matter, and the notes thereto.

² The United States takes rank under the name "America" in international conferences. Cf. The Hague conferences.

³ Our first treaty with China was that of 1844.

⁴ This article bearing on the opium traffic was superseded by the treaty of 1858.